

**From:** John Hornstein  
**To:** Microsoft ATR  
**Date:** 1/16/02 6:36pm  
**Subject:** Microsoft Settlement

January 15th, 2002

Dear Department of Justice,

I have read the Stipulation/Revised Proposed Final Judgment and Competitive Impact Statement.

This looks like a good disposition of the Microsoft case to me.

I'm not a legal or anti-trust expert, just a member of the public. I formerly worked at Microsoft for 8.5 years in product support, mainly in Developer Support. I talked to lots of software developers who were using Microsoft's Visual FoxPro development program. I don't know what the executives schemed on. I *\*do\** know that Microsoft has for years made information available to the public, through MSDN and KnowledgeBase, articles on using the Windows API as is proposed to be required in the Revised Proposed Final Judgment section III (D). In fact, I remember looking over an article a few years ago on either Microsoft's TechNet or MSDN on how to code your own internet browser.

I know from several of the training classes I had while employed at Microsoft that Microsoft has designed Windows to allow for third party components to be substituted in place of Microsoft's components. One that I remember is the file system. From reading the Revised Proposed Final Judgment, I see that this kind of design is important to the settlement. This is good, for both Microsoft and others. One concern I have on this topic is that hardware vendors will always put their own components into Windows and as a consumer I won't have the choice to purchase Microsoft's unaltered version of Windows. I see this happening already. OEM's put their own "interface" on top of Windows. They stick all their promotional icons and services on the computer. I think Microsoft has tried to make sure I have the choice of using Microsoft's services or middleware by not allowing things like the Internet Explorer icon to be removed. Please don't make it so that consumers can't choose to have an unaltered version of Windows installed on a new computer when it is purchased. Sure, a consumer could just get a "real" copy of Windows from Microsoft but many times OEM's tweak Windows so that it works with their hardware or else various drivers have to be installed in a certain order when Windows is installed. This can create headaches for consumers trying to install an unadulterated version of Windows.

In the Competitive Impact Statement, Part IV, section B(3) relating to

section III.C of the Revised Proposed Final Judgment, this is fine but OEM's need to be required to offer All-Microsoft Operating Systems, including All-Microsoft Middleware, if consumers want that on a new computer. This would be in addition to versions of Windows that have had all Microsoft Middleware removed and replaced with middleware du jour. I personally don't want to be forced to purchase a computer that only comes with, for instance, Netscape Navigator instead of Internet Explorer.

Also in the Competitive Impact Statement, Part IV, section B(5) relating to section III.E of the Revised Proposed Final Judgment, the section starting on page 37 with Microsoft Must Make Available All Communications Protocols: underlined: On page 38:

"Section III.E. will permit seamless interoperability between Windows Operating System Products and non-Microsoft servers on a network. For example, the provisions requires the licensing of all Communications Protocols necessary for non-Microsoft servers to interoperate with the Windows Operation System Products' implementation of the Kerberos security standard in the same manner as do Microsoft servers, including the exchange of Privilege Access Certificates. ..."

This needs to be vice-versa too. Other network and server vendors such as Sun or Novell, need to allow workstations running Windows operating systems to access their servers as if the workstation was running Sun or Novell's workstation software.

In general, the requirements that Microsoft's Middleware components can be easily replaced by non-Microsoft Middleware Products needs to be vice-versa also. Consumers need to be able to switch back to a Microsoft Middleware Product if desired. I believe this is in the Competitive Impact Statement, Part IV, section B(8) relating to section III.H. of the Revised Proposed Final Judgment under the underlined heading End User Access Requirements: in the second paragraph. (the third full paragraph on page 46).

To summarize, I think this is a good settlement. It should be adopted. Figuratively speaking, the judge needs to bop the Attorney Generals of the states not joining in this settlement on the head with her gavel. They need to get with the program !!! This anti-trust case has cost me personally and others much more in lost value in our retirement plans and other equity investments than any \$10 overcharge in the price of Windows could ever add up to. Thankfully we have an innovative and successful company like Microsoft. If Microsoft's competitors were to have the monopoly (and I don't really think Microsoft has a monopoly) you can be sure consumers would be paying more than \$10 to much for an operating system. It would be more like \$500 - \$1,000 to much. And computer use would not be nearly as widespread as it is now. I won't name any names here but they are well known and are at

least millionaires themselves.

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